

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

ENTERED

December 16, 2016

David J. Bradley, Clerk

J.W. TATE,

Petitioner,

VS.

LORIE DAVIS,

Respondent.

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CIVIL NO. 2:15-CV-490

ORDER

Petitioner J.W. Tate, Texas prisoner number 01310936, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and § 2254 challenging his 2005 conviction in Nueces County for aggravated sexual assault of a child enhanced by a prior conviction. Dkt. No. 1.

The Court has before it Respondent's motion for summary judgment, Dkt. No. 16, and the Memorandum and Recommendations of the magistrate judge to whom this case was referred pursuant to 28 U.S.C. § 636(b), Dkt. No. 19 ("M&R"). The deadline to file objections to the magistrate judge's proposed findings and recommendations has passed, and the docket sheet shows that no objections have been filed. *See* 28 U.S.C. § 636(b)(1) (setting 14-day deadline to file objections); Fed. R. Civ. P. 72(b)(2) (same); *see also* M&R at 15 (advising parties of 14-day deadline).

After independently reviewing the record and considering the applicable law, the Court adopts the magistrate judge's proposed findings and recommendations; **GRANTS** Respondent's motion for summary judgment, Dkt. No. 16; **DISMISSES** the petition for a writ of habeas corpus, Dkt. No. 1; and **DENIES** Petitioner a certificate of appealability. The Clerk shall close this case after entering the accompanying judgment.

It is so ORDERED.

SIGNED this 16th day of December, 2016.



Hilda Tagle
Senior United States District Judge